

DESOTO COUNTY BOARD OF SUPERVISORS
BOARD MEETING MINUTES

TOMMY LEWIS, PRESIDENT, PRESIDING

April 20, 1998

A. CALL TO ORDER

The April 20, 1998, meeting of the DeSoto County Board of Supervisors was called to order by Tommy Lewis, Board President.

Chief Deputy, Charlie Brown of the DeSoto County Sheriff was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

- Jessie Medlin-----District 1
- Eugene C. Thach-----District 2
- James D. Pearson-----District 3
- John Caldwell-----District 4
- Tommy Lewis-----District 5
- W. E. ASluggo@ Davis-----Chancery Clerk
- Clovis Reed-----County Administrator
- William H. Austin, Jr.-----Board Attorney

B. INVOCATION

The invocation was presented by Supervisor Eugene Thach.

C. APPROVAL OF MINUTES

The official minutes of the Board of Supervisors were read for the month of March, 1998. Supervisor John Caldwell made the motion and Supervisor Eugene Mississippi Code of 1972, annotated. The vote was unanimous. The **motion**

Thach seconded
passed.

D. JEFF ARNOLD, FISHER & ARNOLD - UPDATE ON PARK STUDY

Jeff Arnold, Lauren Gerard, and Gene Bailey of Fisher & Arnold Engineers appeared before the Board of Supervisors to report on the progress to date on the Park Study. Jeff Arnold said that at the end of February, Fisher & Arnold was given the opportunity to review the landfill for a park site. In doing so, they had to analyze the site from an environmental standpoint. Mr. Arnold said they are here to tell the Board of Supervisors that they have concluded the first part of the study which includes environmental issues. He said this work is a giant step toward a final recommendation.

Gene Bailey of Fisher & Arnold explained the steps taken to accomplish this environmental study which included site reconnaissance and state filing standards review, analyze the site using soil samples, methane gas study, Leache' study, Geo Technical sampling, and a written report of the findings.

Mr. Bailey said that there had been a detail site visit to the proposed park location. In doing so it was determined that the landfill area has elevation differences. Mr. Bailey said that the State says you can change the site by fill only. Mr. Bailey said that he is concerned that future site improvements may be harder to settle than the current site. It was observed that there was no good water monitoring system used at the landfill site and Fisher & Arnold said that should be installed.

Mr. Bailey further explained there were 36 readings taken on the landfill site and adjacent areas. Mr. Bailey explained the findings of these readings which included surface readings, readings from the center of the landfill, readings from the outside of the landfill area and said the readings on the landfill indicated a high level of methane gas on the site. Mr. Bailey said that the methane problem was not uncommon and could be treated in a time frame ranging from 90 days to 2 years.

Mr. Bailey explained that there was a high discharge of Leache' and recommended making drainage improvements to deal with drainage issues which will improve the drainage flow.

Mr. Bailey said he was concerned about the settlement on the property but said most of the expected settlement on the landfill area should have already occurred. Mr. Bailey said that his concerns are a design issue only. In summation, Mr. Bailey said the methane and the ground water issues are the most significant issues regarding the landfill site.

Jeff Arnold said that these findings do not inhibit the development of a park on the landfill site. Mr. Arnold said the methane issue was not uncommon and is often seen with this type of development. Mr. Arnold said there are some costs associated with the use of this site that may not be associated with other locations. In addition, it may take a couple of years to alleviate the methane problems. Mr. Arnold said that the State only allows fill to be used to alleviate the elevation problems. Mr. Arnold said that may be possible to eliminate the concern of settlement on the project and in essence there are no environmental issues that should stop the project at this time. Mr. Arnold said that when he proposed the contract to the Board of Supervisors, he suggested the Board not spending the money on the Topo Survey until the environmental study was complete. Mr. Arnold said that they now recommend to do the Topo Survey. After doing so, Mr. Arnold said that they also recommend going further and doing the first three parts of the project stopping short of the Master Plan. Mr. Arnold said that will require sitting down with the Committee to decide what the County wants to be located in the park. From that, Fisher & Arnold would determine how many ball fields to plan and would go on to a conceptual plan. After doing so they can begin to put a pencil to the cost of the project. At that point, they should be able to know if the project is do-able. Mr. Arnold said there are some additional cost to be associated with this project because this is a landfill and implementation will affect the cost of the park that may be above the cost of a normal park. Mr. Arnold said that, for example, the parking lot would require some extra preparation on the base.

Supervisor John Caldwell said Mr. Arnold is getting past the point in which the project is at. Supervisor Caldwell said the Board of Supervisors could build on the non landfill area and wait two years to develop the landfill area and asked what else is part of the

contract. Jeff Arnold responded that everything that he has mentioned is part of the contract.

Supervisor Jessie Medlin said that to his understanding the part about the wells was not part of the contract. Jeff Arnold responded that was correct, the part about the wells is not part of the contract and those costs could range from \$15,000 to \$20,000. Mr. Arnold said that they do not know those prices now.

Supervisor Eugene Thach said what he is hearing is that we have a lot of problems building the park on the landfill. Supervisor Thach said that if the lighting issues and methane issues are addressed, it looks to him like the Board needs to find another place to build the park. Supervisor Thach said the problem with the methane will not go away.

Gene Bailey said that most of the methane problems will be corrected with the treatment suggested, but said the methane would always be present. Mr. Bailey speculated that the treatment system for the methane should take care of 95% of the problem.

Supervisor Eugene Thach said he knows the park is important and would support the park, but does not know if this is the best spot for the development.

Supervisor John Caldwell said that this park would be in the center of the County. Supervisor Caldwell said that when the Needs Analysis is done, it would take the City Parks into consideration and their locations throughout the County. Supervisor Caldwell said that we're not building a park for the people here, but for the proposed growth as well. Supervisor Caldwell said he thinks we're in a better position to address the issues involving this development than a Board in 15 to 20 years ago will be due to the lack of information about the history of the landfill.

Supervisor Jessie Medlin said the expense of building the park is what bothers him. Supervisor Medlin said the Board does not know how much dirt will have to be moved to take care of the elevation problems. Jeff Arnold said that is correct, that is not known. Mr. Arnold said that they are saying in the next step, it should be determined that the project should cost a certain amount to develop at this site rather than at another site. Mr. Arnold said they will bring back those facts.

Supervisor Jessie Medlin asked how much more it will cost to determine that. Jeff Arnold responded that it is part of the contract which was \$16,500 and he would estimate about \$12,000 for the next step and they would hold off on the balance.

Supervisor John Caldwell says he thinks it would be good to make a determination after the study has been further considered.

Supervisor Thach said he has not had any feedback that the people are looking for a central park rather than local parks, especially when the county is spending more money to develop the park. Supervisor Thach asked who will manage the park. Supervisor Thach said the Board of Supervisors could elect to give the money spent on these parks to the cities for further development of their parks. Supervisor Thach noticed that Horn Lake Mayor, Mike Thomas was present at the meeting and asked how he feels about the issue. Mayor Mike Thomas said that Horn Lake is working on their parks now. Supervisor Eugene Thach clarified that the mayor knows he will be paying for the county park as well as his own city park.

Supervisor Jessie Medlin said he does not want to spend \$1,300,000 when we could spend \$300,000 on the same park in another location. However, Supervisor Medlin clarified that

he supports building a county park.

Supervisor John Caldwell said I think the county is growing too fast to handle the parks on a piece meal basis. Supervisor Caldwell said it is growing too fast to look at it one ball park now and one ball park later. Supervisor Caldwell said this location is already county property and to spend \$20,000 to find out whether it is worth it to use this land that already belongs to the county rather than purchasing more land would be cost effective. Supervisor Caldwell said that DeSoto County property is so valuable it may be good to use the landfill location.

Supervisor Tommy Lewis said there is no doubt the county needs parks. Supervisor Lewis said that his main concern is whether Fisher and Arnold can guarantee the safety of the children who will be playing in the parks. Jeff Arnold said that his response is that there would have to be certain things done to guarantee that. Mr. Arnold said that if Fisher & Arnold could not get to a point to answer that with a yes, they would not recommend developing the park on the landfill site.

Supervisor Tommy Lewis asked how much money it would take to get to that point. Supervisor Eugene Thach said \$22,500. Jeff Arnold said when they get to a point to recommend that we would recommend going on with the ground water study. Supervisor John Caldwell said that the Board of Supervisors need to be comfortable with that site as being safe as there is a trailer park next to the site today. Supervisor Tommy Lewis said that he does not disagree.

Gene Bailey said to get to a 100% comfort level will add much more cost to the study. Mr. Bailey said that it becomes a matter of how much money the county wants to spend to get to that point. Mr. Bailey said it would be hard for anyone to guarantee 100% safety at any location.

Mayor Mike Thomas asked if on the methane issue what would happen if a child lit a match next to the vent. Gene Bailey responded that they have talked about restricting the use of the landfill during the venting process on the property. Mr. Bailey said that there would probably be a number of different vents put on the property to decrease the level of methane at any level thus alleviating such a scenario from happening. Supervisor Eugene Thach asked what the Board of Supervisors would tell the public during the venting process and suggested the county will be disturbed with learning that gas is being vented from the location.

Supervisor John Caldwell said that a park in Vicksburg that ran into a similar problem, vented their methane from the top of utility poles.

Supervisor Tommy Lewis asked if the site is safe today. Gene Bailey responded that they penetrated the cap of the location to study samples. Mr. Bailey said that right now the surface does not show anything detrimental to this development. Mr. Bailey said further that right now the data says the location is safe.

Supervisor Eugene Thach asked if the Board of Supervisors needs to be doing something to ensure the safety of the area in terms of the methane even without the development of the ball park. Gene Bailey responded that the dog pound area could be addressed. Supervisor Eugene Thach asked if Fisher & Arnold can give the Board a report on what needs to be done now so the Board can begin taking care of those issues.

County Administrator Clovis Reed asked if they noticed any stressed vegetation. Gene Bailey said they did not. County Administrator Clovis Reed said he understands that

means there are high levels of methane when stress vegetation is determined to be at the location. Gene Bailey said that is correct and said they saw no evidence of stress vegetation.

Supervisor Eugene Thach asked if the Board of Supervisors wants to make a determination on whether to continue this today.

Supervisor John Caldwell made the motion and Eugene Thach seconded the motion to take the matter under advisement. The **motion passed** by a unanimous vote.

The County Administrator Clovis Reed recognized Pat Nelson of Entergy who has expressed some interest in the parks in DeSoto County. Mr. Nelson said that he is in the process of relocating his family to DeSoto County and because he has children has an interest in the park. Supervisor Tommy Lewis welcomed Mr. Nelson to the meeting and to DeSoto County.

E. DR. ROB MEACHAM - Report of Prisoner Medical Service

Dr. Rob Meacham, Medical Director at the DeSoto County Jail appeared before the Board of Supervisors to report that prisoner medical expenses are 10.5% under budget as of the second quarter. Supervisor John Caldwell asked if Dr. Meacham estimates 30 emergency room visits to have been saved under his administration. Dr. Meacham said that is correct based on the number of calls he has received at the jail in emergency situations. Dr. Meacham said he is seeing City Prisoners and the cities are billed on a per visit basis. Dr. Meacham said that he is not keeping up with the paperwork on the cities billing but said they are paying \$50.00 per visit plus medication.

Supervisor Jessie Medlin asked if the Sheriff was still using the first cell as an examining room. Dr. Meacham indicated the room he is using for his operation. The Board of Supervisors thanked Dr. Meacham for his report.

See Exhibit E

F. BOB WOOD - HONEY RIDGE SUBDIVISION

Bob Wood, Developer, and Merritt Powell of the DeSoto County Planning Commission appeared before the Board of Supervisors. Mr. Wood said that he appreciated the Board's time on this subdivision issue. Mr. Wood said that they noticed they had an omission of the date on the plated subdivision. Mr. Wood said that in looking closer he noticed the street names were also left off the plat. Mr. Wood said that Merritt Powell said that for Joe Frank Lauderdale, the Project Engineer, to get approval to change the plat would require approval by the Board of Supervisors.

Merritt Powell told the Board of Supervisors that they could require the developers to re-do the plats completely, or the County could authorize Joe Frank Lauderdale to add to the plat the names of the streets and any other missing information.

Supervisor Jessie Medlin asked the Chancery Clerk, W.E. "Sluggo" Davis his recommendation for correcting the problem. The Chancery Clerk responded that he told Merritt Powell that he would prefer a new plat, however if it will make a problem he could agree to allow the plat in his office and the plat in Merritt Powell's office to be changed as long as they were changed at the same time.

Supervisor Jessie Medlin asked why Joe Frank Lauderdale does not want to do another plat. Merritt Powell responded it was probably because of the problems with getting the

signatures on the plat.

Supervisor Jessie Medlin asked how many street names would be added to the plat. Merritt Powell responded 4 street names would be added.

Supervisor Jessie Medlin asked what was needed to fill in on the covenants. Bob Woods said 10 years and said he thinks the standard say that after 10 years the plan renews automatically unless the landowners have a problem.

Supervisor Jessie Medlin asked Merritt Powell if he had a recommendation for the Board of Supervisors. Merritt Powell said he does not and that is a decision of the Board.

Supervisor Jessie Medlin asked if the issue concerning the entrance and the roads was corrected. Bob Woods responded that the Mississippi Department of Transportation request has been filed as they were instructed to do. Mr. Powell said that he understands this filing is a formality but expects no problems, but has not received the final paperwork back yet.

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to allow the plat to be corrected at this time on the existing filed record in the Chancery Clerk and Planning Commission offices. The **motion passed** by unanimous vote.

G. OLD BUSINESS

1. Appointment to MS Youth Summit

The Board President, Supervisor Tommy Lewis asked the Board of Supervisors for appointments to the Mississippi Youth Summit. Supervisor Jessie Medlin presented the appointments from his district and they were Randy Allen, 2785 Percy Drive, Olive Branch, MS. 38654, phone number 895-6388 and Gail Hanna, 5825 Lees Crossing, Olive Branch, MS 38654, phone number 895-2151 (work) or 895-5694 (home) Other district appointments were held over. **See Exhibit G.1**

2. Jim Bearden - Report on Lawn Service

Jim Bearden, Director of Operations and Maintenance notified the Board of Supervisors that DeSoto County Lawn and Tree Service has presented the best and most complete proposal for lawn services within the county. Mr. Bearden explained that Desoto County Lawn and Tree Service has proposed to care for 17 county locations complete with weed spray, grass cutting, flower beds, etc for a total package price of \$28,880 per year. If the Board elects not to include spraying for weeds, the price would be \$26,880 per year. Mr. Bearden said that he is comfortable with this recommendation and in checking references found that DeSoto County Lawn and Tree Service cares for the grounds at Southaven Elementary School, Greenbrook Elementary School, Horn Lake Elementary School, Olive Branch Middle School, Calvary Baptist Church, Cracker Barrel, and Colonial Hills. Mr. Bearden said that the pastor at Calvary Baptist, the manager at Crackerbarrel and a letter from the Board of Education concerning his work performance, all highly recommend the work of DeSoto County Lawn and Tree Service.

Mr. Bearden said that Mr. Lowry Dean wrote the specifications which listed some additional information that was not considered when the proposals were first obtained including the vehicles for the employee.

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Supervisor Eugene Thach asked how many times this service will spray for weeds. Jim Bearden said 4 times. Supervisor Thach asked if flowerbeds were included. Jim Bearden said yes. Mr. Bearden said that this proposal would include the county ordering the flowers.

Supervisor Jessie Medlin asked why this proposal does not include spraying all of the buildings. Jim Bearden responded that some buildings are manicured more than others.

Supervisor Tommy Lewis asked how often he would cut the grass. Jim Bearden said every 7 days from April 1st to October 31, 1998. After that time and during the off season, he would remove limbs and leaves as necessary. Supervisor Tommy Lewis asked if he would adjust the price for the contract beginning April 20th. Jim Bearden said he does not think so because there is a lot of preliminary work that has to be done before the grass cutting can begin.

Supervisor John Caldwell asked what the next proposal is for. Jim Bearden said \$850.00 per week for 32 weeks which would be \$27,200. Supervisor Tommy Lewis suggested that since the contract would have lost 3 weeks after subtracting that work, this contract could be determined to be the low bid. Upon further review the Board discussed that this contract would have to have additional payment for work during the off season therefore that contract would be more.

Supervisor Jessie Medlin asked if Mr. Bearden had promised to give the contractor someone to help him. Jim Bearden said he did not.

Supervisor Tommy Lewis asked what other bids were received for this work. Jim Bearden said John Alexander of Service Unlimited presented a bid for \$48,000 and Oxner Professional Lawn Service presented a bid for \$63,900.

Supervisor John Caldwell made the motion and Supervisor Jake Pearson seconded the motion to accept the low bid of DeSoto County Lawn and Tree Service subject to the review of the Board Attorney's for approval in the amount of \$28,880 which includes spray service. The motion passed by unanimous vote.

Supervisor John Caldwell said the Board of Supervisors should consider the duplication of services with the contract with Lowry Dean. The Board of Supervisors asked for a review of Mr. Dean's contract and report back at the next meeting.

H. NEW BUSINESS

1. Approval to Go Out For Bids for Pest Control for County Buildings

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to approve going out for bids for Pest Control for County Buildings. The **motion passed** by unanimous vote.

2. Yearly Reporting of Constables

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approve the yearly reporting of Constables in connection with Section 7-3-45 which states each and every constable being compensated in whole or in part on a fee basis shall file not later than April 15 of each year, with the Secretary of State, a true and accurate annual report and same shall also be spread upon the minutes of the

Board of Supervisors of the respective counties from which the report is made.
The **motion passed** by unanimous vote. **See Exhibit H.2**

3. Replacement of Brick Mailboxes

Supervisor Eugene Thach asked Merritt Powell if he could advise building inspectors that if they see brick mailboxes being built to stop and notify the property owners that they are not allowed. Supervisor Medlin said that he knew some were built after the houses are inspected but some are not. Merritt Powell said the Road Department was suppose to be the enforcing agency for the brick mailboxes. The Planning Commission put the notification that brick mailboxes were not allowed on the application to aid the Road Department.

The Board of Supervisors discussed not giving a final inspection on homes with brick mailboxes.

Supervisor Jessie Medlin said that he has had 4 calls about the letter that was sent out. Supervisor Medlin said that one lady called the State Department and Floyd Clerk told her he did not know anything about the State's requirement to not have brick mailboxes built on State Aid roads. Supervisor Medlin asked if the County can replace the boxes if landowners are required to tear the mailboxes down. Supervisor Medlin asked if there was a "Grandfather" clause for mailboxes that were built before the ordinance was passed.

The Board Attorney said he has had several calls himself about the letters that went out but has not had any problems after explaining the ordinance to the callers. Mr. Austin said he had to send his own daughter one of the letters. Supervisor Medlin asked the Board Attorney's opinion whether the County can replace the mailboxes. The Board Attorney, Bill Austin said he does not see that the County could and this situation is not the same as if a bush-hog hit a mailbox and damaged it.

4. Authorization for Kenny Evans to Use County Vehicles for County Work After Normal Hours of Operation

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to authorize Kenny Evans to take a County vehicle to his home for use to accomplish County work after normal hours of operation. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

5. Nesbit Water Project

a. Authorization to Sign CDBG Request for Cash

The County Administrator Clovis Reed presented two requests for cash in connection with the Nesbit Water Project. Supervisor John Caldwell made the motion and Supervisor Jessie Medlin to authorize the Board President, Supervisor Tommy Lewis to execute the request for cash in connection with the Nesbit Water Project. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

See Exhibit H.5.a

b. Approval of Amendment of Line Items Changes to CDBG Grant

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the amendment to the line item changes to the CDBG grant and recommended by CDBG. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

Compliance Plan - Aerial Photography Proposal

The County Administrator Clovis Reed reminded the Board of Supervisors of the letter from the State saying the County Aerial Maps are out of compliance. Mr. Reed said that he talked to Waggoner Engineering about the aerial photography in an attempt to link the project to the County-wide Sewer Study which is anticipated to get GIS involvement. Mr. Reed said that he anticipated a cost savings by connecting the projects. Mr. Reed said that Waggoner Engineering has agreed to perform this work for a total lump sum compensation of \$9,600. Mr. Reed said that Waggoner Engineering will develop a plan in response to the Tax Commission's request for DeSoto County for Aerial Photography. This plan will include implementation and scheduling.

Supervisor John Caldwell asked if this expenditure will come from the Tax Assessor's Budget. The County Administrator said he would seek direction from the Board on payment to Waggoner. Supervisor Caldwell asked the County Administrator to come back at the next meeting to decide where we should take this money.

Supervisor Caldwell asked the County Administrator if Waggoner Engineering's price is competitive. Mr. Reed said yes. Supervisor Tommy Lewis asked if that is a reasonable fee. Mr. Reed answered yes.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve hiring Waggoner Engineering to formulate a compliance plan for Aerial Photography in DeSoto County for a lump sum compensation of \$9,600. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

See Exhibit H.6

7. Walls Community Building

a. Contract with Coahoma Electric Power Assoc.

The County Administrator Clovis Reed notified the Board of Supervisors that Coahoma Electric Power Association is not charging for the installation for service at the Walls Community Building but they do ask that DeSoto County guarantee a minimum of \$241.00 per month for 3 years based on an estimate from Coahoma Electric Power.

Supervisor Eugene Thach asked if Coahoma Electric Power has exceptions for Acts of God such as fire or tornadoes.

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to approve the contract with Coahoma Electric Power Association. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

b. Approval of Invoice from TDL

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin made the motion to approve the invoice from TDL Contractors in connection with the Walls Community Building at \$102,035. The motion passed by a vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

Dale Thompson - Budget Amendment

In accordance with the provisions set forth in Section 19-11-11 of the Mississippi Code for the Board of Supervisors did discuss an amendment to the budget for the Fiscal year beginning October 1, 1997, and ending September 30, 1998. At the recommendation of the Comptroller, Dale Thompson, Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the budget transfers from Maintenance of Buildings and Grounds as follows:

From: 001-151-549	\$500.00
To: 001-151-502	\$500.00
From: 001-151-662	\$200.00
To: 001-151-502	\$200.00
From: 001-151-650	\$1,400.00
To: 001-151-580	\$1,400.00
From: 001-151-654	\$5,100.00
To: 001-151-586	\$5,100.00

The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

See Exhibit H.8

9. Supervisor Tommy Lewis - Approval to Change Cellular Service

At the request of Board President, Tommy Lewis, Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve Supervisor Tommy Lewis changing Cellular Service to Bell South in order to obtain a lighter telephone, cigarette lighter charger and leather carrying case for \$1.00 with service of 135 minutes per month for \$35.00. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

See Exhibit H.9

10. Approval of Donation of Dog

At the request of Sheriff James Albert Riley to accept the yellow Labrador dog donated to the Sheriff's Department for use in the Arson Division Canine Unit, Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to approve the request with the dog being assigned to Officer Mike Hancock who received the dog upon finishing an 8 week arson school in New York. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

See Exhibit H.10

11. Hog Farm Legislation

Supervisor Eugene Thach said that the County has until June 1 to pass local legislation of the Hog Farm Legislation. Supervisor Thach said that several counties have already done that.

Merritt Powell of the DeSoto County Planning Commission said that Hog Farming goes under under the intensive farming operation noticed in the DeSoto County Zoning Ordinances.

County Administrator Clovis Reed said that he talked to State Senator Bill Hawks about this issue and with the Board's approval he asked Senator Hawks about a meeting with the Legislatures to discuss happenings during the Legislative Session for items on the Legislative Wish List presented to the State Legislators on

December 11th. Mr. Reed said that if the Board of Supervisors do not adopt anything, the State Ordinance goes into effect.

The Board Attorney, William Austin read the County Code concerning Intensive Farming.

Supervisor Eugene Thach said that the Board of Supervisors has to do something by the 1st of June, therefore the Board has to address the issue soon.

The County Administrator Clovis Reed said he will invite the Legislators back to address the Board of Supervisors at the May 4 meeting.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to take the matter of Hog Farming under advisement. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

See Exhibit H.11

12. Approval of Circuit Court Allowances

On this date, County Administrator Clovis Reed, presented on behalf of the Circuit Court Clerk Jeanette Martin, an Order of Allowances to the Board of Supervisors for the Circuit Court for the February, 1998, term, in the amount of \$4,771.50, Count Court for the month of April, 1998, term in the amount of \$3,596.00. Supervisor John Caldwell made the motion and Supervisor Jessie Medlin Seconded the motion to approve these payments, pursuant to Sections 25-7-13, and Section 25-7-13 of the Mississippi code of 1972, Annotated. The motion passed by vote as follows

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

See Exhibit H.12

13. Approval of Finally Executed Contract With Hill Brothers

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to approve the contract with Hill Brothers Construction for the Walls Satelite Building and with contract being checked to verify clean-up has been made a part thereof. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

See Exhibit H.13

a. Appointment of Superintendent for the Project

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to appoint Jim Bearden as the Superintendent of the Project for Construction of the Walls Satelite Building. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

b. Appointment to Committee to Inspect

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin to appoint Supervisor John Caldwell and Supervisor Eugene Thach as the Committee to inspect the Walls Satelite Building construction. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

See Exhibit H.13

(I) ALLEN & HOSHALL

David Nicholson of Allen & Hoshall appeared before the Board of Supervisors to discuss the Administration Building. Mr. Nicholson said that at the last meeting the Board of Supervisors asked Allen & Hoshall to report back on the location of the building. Mr. Nicholson brought a drawing of the current plan for the Administration Building which indicated some of the changes. Mr. Nicholson said that Allen & Hoshall had reviewed the revised site plan with and without moving the building back. Mr. Nicholson said that moving the building back will require additional fill on the site. Mr. Nicholson said that the cost of moving the building will be an additional \$150,000. Mr. Nicholson also said that also considered in the move would be the fact that the Administration Building would leave the alignment with the existing buildings around the square. Also, Mr. Nicholson said that if the County ever wanted to expand the buildings they would have to move the expansion very close to South Street.

Supervisor John Caldwell asked why is it a negative to be closer to South Street than Loshier Street. David Nicholson said it would be closer to the street on one side the area around the building and the street would be landscaped.

Supervisor Eugene Thach asked what size trees will be planted around the building. Dave Nicholson said as large as they can get. Mr. Nicholson said that at the last meeting there was some concern about widening the street. He said if you widen on the edge of the building, you would not have an off-set intersection.

Supervisor Tommy Lewis asked if the building was moved 10 feet, would it save the trees on Caffey Street. Dave Nicholson said they had measured and he thinks the distance to save the trees would have to be 50 to 75 feet as you have to move outside the drip line to save the trees.

Supervisor Eugene Thach asked if they got the price for moving the trees. Dave Nicholson said they had determined the cost for moving the building back 10 feet to be \$150,000.

Supervisor John Caldwell asked if parking is an issue based on the number of people in the building. Dave Nicholson said that this was the plan approved by the City of Hernando. Supervisor John Caldwell said if you add the additional wing and you did not have parking, we probably would not develop the additional wing.

Supervisor Tommy Lewis said while we are discussing the trees, will the trees on South Street be saved. Dave Nicholson said yes. Supervisor Tommy Lewis said the only trees of issue are the trees in the sides of the building.

County Administrator Clovis Reed said he talked to Bob Barber and they felt it important to keep with the buildings on the square. Supervisor John Caldwell said that Bob Barber also said he wanted to keep the existing historical nature of the plan. Supervisor Caldwell said he had talked to Joey Anderson of the Extension Office who said the trees were in good shape and because they are pecan trees 30 feet should be ample space to save the trees. Ms. Anderson thinks saving the trees is do-able. The County Administrator said that Bob Barber says that Caffey and Losher Streets will probably never be widened because of the mission to save the historical nature of the square.

Supervisor Jessie Medlin said he has looked at the trees and one tree looks like it may be dying.

Supervisor John Caldwell said it is a good thing the Board wasn't here when this Courthouse was built. Supervisor Caldwell suggested backing the building up and trying to save the trees. If that effort fails, the trees could be cut down and replaced by smaller trees.

Supervisor Tommy Lewis said he is looking for some direction.

Ellen Jernigan said that saving the historical nature of the square is what is important to Bob Barber. Ms. Jernigan, a city of Hernando Alderwoman said that the city had worked hard to get the square designated as an historical district. Ms. Jernigan said that although she had come to the meeting to address the Board in an effort to save the trees, she reported that when her home was being built they took precautions to save some trees but were unsuccessful and ultimately the trees had to be cut.

Supervisor John Caldwell said that Bob Barber was also opposed to the rotunda.

Supervisor Eugene Thach asked if the Committee has seen the plans. Dave Nicholson said yes and he thinks they are in favor of leaving the building where it is. Supervisor Eugene Thach asked Dave Nicholson what his recommendation is. Dave Nicholson said that Allen & Hoshall recommends leaving the building at the plans location. Mr. Nicholson said that the city has approved the plans in the current location. To move the building will delay the project and he also recommends leaving the building at the current location because of the other issues he has mentioned.

Supervisor Tommy Lewis said it could be worth the additional money for the 10 feet move of the building, however he would want to make sure that was not a problem

with the alignment with the square. Supervisor Lewis said if we move the building the bidders will have to bid based on working around the trees. Jane Andrews, a Desoto County resident, asked if the trees along Losher will be saved. Dave Nicholson said that at the present time that is not planned. Jane Andrews clarified that the trees on Losher and Caffey will be cut. Dave Nicholson responded that you have to remember that there has to be room for the Contractors to work. Jane Andrews asked if the trees in the parking lot will be saved. Dave Nicholson responded that every tree that can be saved in the parking area will be saved.

Supervisor Eugene Thach asked if Allen & Hoshall will be able to reoperate the \$150,000 on the contract. Dave Nicholson responded that Allen & Hoshall has taken out all of the excess from the bid in an effort to bring the bid back in line with projected cost.

Supervisor Jessie Medlin asked if moving the building will save any trees. Dave Nicholson said it probably will not. Supervisor Tommy Lewis responded that in that case you may lose the trees and the alignment with the square. Supervisor Eugene Thach said that he had misunderstood that moving the building would save the trees. Dave Nicholson cautioned the Board of Supervisors that there has to be room for the Contractors to work. Mr. Nicholson said the Contractors have to have room to build the building.

Supervisor Tommy Lewis said if you move it back 10 feet and we can=t save the trees, you lose the alignment as well.

Supervisor Jessie Medlin said that if you get a bulldozer on the roots of the trees, you will lose the trees anyway. Dave Nicholson said the elevation of the building will be as high as the curb. Supervisor John Caldwell said if you want to kill the trees, kill them. If you can=t try to work around the trees by making a legitimate effort to save the trees, then there is no need to spend the additional money to move the building in his opinion.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to tell the architect to go on and move the building back 10 feet and attempt to save the trees. The motion did not pass by vote as follows:

Jessie Medlin-----No
Eugene C. Thach-----No
James D. Pearson-----Yes
John Caldwell-----Yes
Tommy Lewis-----No

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to leave the building in the location as planned previously. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----No
John Caldwell-----No
Tommy Lewis-----Yes

Dave Nicholson said that the bid date will be set this week for the building.

Chancery Clerk, W. E. ASluggo@ Davis, asked to please bear in mind that the court is going to maintain computer connections and we need to be able to maintain good computer linking the proper cabling. Supervisor Eugene Thach asked to make sure we get the biggest trees we can get around the building. Dave Nicholson said they should be able to get trees 10 to 12 inches.

14. Bobby Storey - Motion to Reconsider Advertising for Rescue Tools

At the request of Bobby Storey, Director of Fire and EMS, Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to recind the prior order authorizing advertisement for rescue tools for EMS. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

See Exhibit H.14

TIF, Hacks Cross Road - Mr. David Kelly

Mayor Sam Rikard of the City of Olive Branch appeared before the Board of Supervisors to throw out the option of a TIF to provide more infrastructure on roads in the Hacks Cross Road area. Mayor Rikard said he would like to widen to Hacks Cross Road to allow for the development of the Flying J. Mayor Rikard said that the City of Olive Branch has chosen Tax Increment Financing as a tool to develop the area and widen the road. Mayor Rikard said that he has told the County would be able to provide the additional funds through the Tax Increment Financing. The city’s portion is \$175,000. The taxes would widen Hacks Cross Road and in return cause more development in that area. Mayor Rikard said the City is told that there will probably be a hotel in the area as well. Any other developments in the area would benefit both the city and county. Mayor Rikard said that the additional improvements would be financed with the tax dollars that come in with estimates being taken from other developments.

Supervisor Eugene Thach asked Mayor Rikard if any of the money goes to the building or parking. Mayor Rikard said no, it would go to the widening of the road. Supervisor Eugene Thach said that the County has never voted to get involved in Tax Increment Financing and there are three such TIF’s going on now throughout DeSoto County. Supervisor Thach said that if the County has chosen to participate in that, the County would have cost \$90,000 per year on those TIF’s. Supervisor Thach asked how the City of Olive Branch determines that one development deserves a TIF and others don’t. Supervisor Thach said that if we give up property taxes we don’t get any return to use for expenditures to run the county. Because this is a municipality there would be no return to the County. Supervisor Thach said that the money from a TIF goes back to the City Clerks. Supervisor Thach said that in his opinion if the County did participate, it would have to be separate.

Mayor Rikard said he cannot answer how the County’s involvement would happen, however he has been told you would save on the issuance cost to go in with the City.

Supervisor John Caldwell asked how Hacks Cross Road was chartered for improvements that did not go all the way to New 78. Mayor Rikard explained that originally the plan was to go to New 78 but the money available for the project mandated the Committee choose the most important part of the project to develop. Therefore, plans were made to 5 lane from the state line through the Industrial Park. Mayor Rikard said that we had to make the project fit with the money, however Mayor Rickard said that he agreed with Supervisor Caldwell that there is no doubt there is a need for the project to go all the way to New 78.

Supervisor John Caldwell said he understands the concept of TIF's but he does not necessarily agree with the concept. Supervisor Caldwell asked how the Flying J felt about having 100% of the tax dollars to go to the road. Dale Wilson said that he thinks that the Flying J is catalyst in the industry that will employ 100+ employees. Mr. Wilson said that the Flying J will come with commitments from two other developments.

Supervisor John Caldwell said that he can buy that for a few years, but not for 20 years and asked how the County could justify losing the tax dollars for that length of time. Dale Wilson answered that the other developments would not consider coming without Flying J. Supervisor Caldwell said there are other developments that have come out there already to the area. Supervisor Caldwell asked if the County is not giving an advantage to these businesses based on almost sure development that will take place in the area anyway.

Supervisor Tommy Lewis said that you really will not give them an advantage because they are paying their taxes just like everyone else. Supervisor John Caldwell answered that nobody else has a possibility of using their tax dollars for their own benefit.

Supervisor Jessie Medlin said that if this development does not take place it is not likely the current owners will allow this land to be sold soon.

Supervisor John Caldwell said that with some developments we require them to build a lane of their own but in this case we are building them one now. Sam Rikard replied that he agreed that each development should be considered separately. All issues should be addressed. Mayor Rikard said that in all likelihood the area will someday be developed.

Supervisor John Caldwell asked what the average pay is for the Flying J. Dale Wilson said that he does not know but it is a full-service place for people who are on the road most of their life. The Flying J is the best in the industry and within Flying J there are three restaurants and several other businesses.

Supervisor Eugene Thach said a lot of people don't understand that the mill is all the County gets. Supervisor Thach said the County gets 30 to 31 mills to operate on. To ask the County to give up the millage, there is not enough to go around now, is a big request. Supervisor Thach pointed out that the County did not ask the City of Olive Branch to help with Church Road and now the City of Olive Branch is asking the County to give up taxes.

Supervisor John Caldwell asked if the City of Olive Branch is willing to split the sales tax with the County. Sam Rikard said the only part they could consider would be Flying J's sales tax because that is all city is designating in the TIF. Supervisor

Eugene Thach suggested the County may be better off to float a bond issue.

Supervisor John Caldwell said we are looking at a tight budget. Let's assume the County approves the TIF, but budget constraints very likely could lead to a tax increase. Supervisor Caldwell asked Mayor Rikard if approving the TIF was worth it. Mayor Rikard responded we are going to make the improvements now or later on Hacks Cross Road. Mayor Rikard said that the City of Olive Branch would appreciate the County's contributions to the road at this time. Supervisor Caldwell said that the County has not voted to do that.

Supervisor Jessie Medlin said he is for the development. Supervisor John Caldwell said that he is not for the development.

Supervisor Jake Pearson said he could not even build a road to the Library when he had the bond money to do so.

Supervisor Tommy Lewis said that the County gets a tremendous amount of money from the collector, however he is concerned the County does not have 5 lanes all the way to 78. Supervisor Lewis said that this particular TIF would allow the County to get 5 lanes over there. Supervisor Lewis said he does not see this being any different than issuing the bonds for widening of Hacks Cross Road. Supervisor Lewis said that he does not see the difference in the two issues. Supervisor Lewis said that he feels that this is an investment that will return money rather than costing the County money.

Supervisor John Caldwell said he would hope that a first-class operation of this size would be making more than \$30,000 per year. Supervisor Caldwell said that based on that they can add a lane to the highway themselves. Supervisor Caldwell said if it cost the County that much money, the developer could put that up as well. Supervisor Caldwell said that the Board is just talking about Hacks Cross Road, but another road would have to be developed into the development. Supervisor Jessie Medlin responded that this money would be used for Hacks Cross Road. Dale Wilson agreed.

Supervisor Eugene Thach said he does not see how the County can justify this TIF.

Supervisor Jessie Medlin said that the project could be justified by the \$284,000 that goes into the County, the \$848,000 that goes to the schools and \$197,000 that goes to the City from the Industrial Park in Olive Branch. Supervisor John Caldwell responded that he realizes the Industrial Park puts dollars into the County. He said that is why he supported Hacks Cross Road, however Caldwell said he is not going to support a TIF as that is whole different can of worms.

Supervisor Jessie Medlin said there may be more money there when the road plans are drawn up. Mayor Sam Rikard said that the plans for Hacks Cross Road are ready to be let out for engineering. Mayor Rikard said that the improvements to Hacks Cross Road will make a big difference not only to the Flying J but would encourage other businesses to come to the area.

Supervisor John Caldwell said that he would rather extend the Hacks Cross Road Project. Supervisor Tommy Lewis asked if the County's participation in the TIF would affect the grant. Mayor Rikard said that it should not. The state grant is based on the investment of the Flying J. Mayor Rikard said that whenever you have made a decision that is fine, but he would like to have one in the next couple of weeks.

Supervisor Jessie Medlin said that if the County participates, Hacks Cross will go down to 5 lanes all the way down and he would support helping with that effort no matter where it is. See Exhibit I.15

16. TIF, Southaven - Mayor Greg Davis

Southaven Mayor, Greg Davis appeared before the Board of Supervisors on behalf of the Walmart Supercenter and Retail Shopping Centers and Outlet Stores that are in the process of locating in Southaven, Mississippi. Mayor Davis said that the development will qualify as a regional mall. Mayor Davis said that he is presenting the Board of Supervisors with a tax increment financing proposal for this project. Mayor Davis said that the City of Southaven is applying for \$6,000,000 in grant money for the project that is contingent on the approval of this TIF. Mayor Davis said that DeSoto County has never been able to apply for this grant money in the past and this is presented as a unique opportunity for DeSoto County. Mayor Davis said the grant will require a TIF from the City and the Board of Supervisors. Mayor Davis said that the City of Southaven is willing to pledge the personal and real property tax and they are only asking the County to pledge real property tax only. Mayor Davis said that this morning he took the tax figures for some existing property tax similar to the purposed TIF. Mayor Davis said that currently the County is taking in less than \$1,000 per year on those properties. Mayor Davis said that if the County does not participate in the program the \$6,000,000 will not be available and the development and improvements will have to take place in phases.

Mayor Davis said that \$333,000 should be brought in by property tax, however this City of Southaven is asking the County to give up \$260,000. Mayor Davis said the developed area should employ 1,660 new jobs with an annual payroll of \$17.5 million. Mayor Davis said that he needs an answer quickly on this issue. Mayor Davis said that he knows that the concept of TIF is new to the County, but the Board of Supervisors does it everyday on ad valorem exemptions. Mayor Davis pointed out his opinion on the benefits with TIF=s.

Supervisor John Caldwell pointed out that it could be determined that to approve this TIF would be giving one retail establishment an advantage over other developments. For example, Walmart would have an advantage over K-Mart also located in the City of Southaven. Supervisor Caldwell pointed out that the retail establishments other than Walmart have not committed to locating in the shopping center. Supervisor Caldwell also pointed out that next year property tax will not be the same after this development takes place. Supervisor Caldwell said that there is no free money, as we all pay state taxes. Mayor Davis said that Supervisor Caldwell is correct but we are returning this money to the County.

Supervisor John Caldwell said the development is already being built and this will not be an incentive to come. Supervisor Caldwell asked what the average pay for an employee is. Mayor Davis responded it would be \$17.5 million divided by 1,660 employees. Mayor Davis compared that the request for a TIF from Olive Branch is not a comparison to this request as they cannot take into account the \$6 million grant. Mayor Davis said that the City of Southaven is aggressively seeking a mall and at this time the state is willing to invest \$6 million. Supervisor Caldwell said that if the State is going to give the City that much money, then they don=t need the County=s

involvement. Mayor Davis responded that the State will give anything without a letter of intent from the developer and the letter of intent is contingent upon the County=s involvement in this TIF. Mayor Davis pointed out the benefits of having an establishment like Walmart improving their facility in DeSoto County. Supervisor John Caldwell said that Walmart has been know to put smaller business out of business. Mayor Davis responded that Walmart is already here.

Supervisor Jessie Medlin asked what other developments will be there. Mayor Davis responded that there are tentative agreements with other businesses in the mall. Supervisor Eugene Thach asked if there are any department stores scheduled to be in the mall such as Goldsmiths or McRaes. Mayor Davis said no. Supervisor Eugene Thach said this is not a mall but a strip center of stores.

Mayor Greg Davis responded that this is a bird in hand and he doesn=t know if a mall will ever happen. Mayor Davis said that he does not understand the philosophy that would walk away from a \$6 million investment.

County Administrator Clovis Reed asked why the TIF is contingent on the County=s involvement. Mayor Davis answered that the developer won=t sign a letter of intent without this TIF.

Supervisor Eugene Thach said that the developer won=t be getting a tax break. Supervisor Thach said that money will go to the City. Mayor Davis responded that is correct and said there are only certain things that TIF money can be used for. Supervisor Thach said that the City of Southaven will get the money.

Mayor Davis explained to the Board of Supervisors that if the County ever raises the mileage rates any increase will not be pledged and the County can collect anything above the 33 mills. Mayor Davis also said that the development would lay out 6 restaurants in the area which will increase convention and tourism taxes. Supervisor Eugene Thach said that all the stores will pay their property taxes. He said that this will help the City of Southaven put lights and everything else on the property and the City will be the spending agent.

Supervisor Jessie Medlin asked if the Board did an order to approve this tax increment financing could it be based on getting the \$6 million from the State. Then if we didn=t get the money from the State, would we be committed to the tax increment financing. The Board Attorney responded that you could commit based on the money becoming available from the State.

Supervisor Eugene Thach said that the County now spends money on the City=s road and he does not have a problem with that, however Supervisor Thach wants assurance that these businesses will pay all of the money they are suppose to pay and it will be used for road improvements.

Supervisor John Caldwell said that in a TIF everyone pays their taxes but the money is put back into their own development.

Supervisor John Caldwell asked what are the changes of this providing an incentive to get these people in here when they are already tentatively set for the spots. Mayor Davis responded that is because all of the people are contingent on the TIF before they will sign a true commitment.

Supervisor John Caldwell asked that when the property will ultimately be developed, why should the County give up these taxes. Supervisor Eugene Thach asked why he should vote on this project when it will open the door for a few weeks later Mayor Mike Thomas coming before the Board asking for a TIF for the City of Horn Lake. Supervisor Thach asked what the driving force is for this project. Mayor Davis said he would not tell this Board what to consider. Mayor Davis said that the City is willing to make the investment but if the County is not willing to do this then the deal is gone.

Supervisor Caldwell said that he says if the Board of Supervisors approves this, then he cannot vote against anyone else that comes before the Board requesting the County=s participation in a TIF.

Supervisor Tommy Lewis said that we are practically talking about money for money. Supervisor Lewis said that if this Board said we want to do something for DeSoto County and decided we want to improve Airways to make the area more accessible then the two scenerios are actually comparable but from a different prospective.

Mayor Greg Davis asked what about other developments on Airways that will come based on improvements to that road and based on this development.

Supervisor John Caldwell said he takes the same belief that the payback is going to be 10 fold for the City of Southaven consequently the City of Southaven may want to decide to invest all of the money for the Tax Increment Financing. Mayor Greg Davis responded that if Supervisor Caldwell is suggesting that a citizen of Southaven is not a citizen of the County then he would buy that. Mayor Davis asked what about sales taxes that will go into Police Protection, Jail Housing that is returned to the County, Prisoner Medical Expenses that is returned to the County that will have to be funded with this growth.

Supervisor Eugene Thach asked if the City of Southaven is going to help with the Civic Center Road. Mayor Davis responded that as soon as he gets some numbers on the Civic Center Road he will be glad to consider that.

Supervisor Eugene Thach clarified that you have to have a project plan on the TIF. Supervisor Jessie Medlin said that is why Olive Branch=s TIF can be used for Hacks Cross Road.

Supervisor Greg Davis said that he understands this is new territory for the Board of Supervisors. Mayor Davis said that the County is facing dramatic growth and suggested the Board of Supervisors will get different approaches to financing this growth.

Supervisor Eugene Thach said the 20 years bothers him asked why the financing could not be done on a 10 year basis. Mayor Davis responded that we did not ask for bonds.

Supervisor John Caldwell asked the Board of Supervisors if this was such a priority road, why wasn=t it on the 4 year road plan. Supervisor Caldwell said that this is not a surprise, we knew this was coming and suggested the Board of Supervisors may want to re-look at the 4 year road plan. Supervisor Tommy Lewis said it was probably omitted because it was in the city. Supervisor Lewis asked Mayor Davis if he has to have an answer today. Mayor Davis said that he needs to get a feel of the Boards position on the matter. Supervisor Eugene Thach said he would like to take the matter under advisement to consider the

issues carefully. Mayor Greg Davis said that whether the Board grants the TIF is another thing and said the Board has 1 to 2 months before they have to vote on it. Supervisor Eugene Thach reminded the Board that they took the other one under advisement. Mayor Greg Davis told the Board that they have to take a step before they can consider theirs. Mayor Davis said the City of Southaven is also going to have to pick up drainage which will be an expensive venture. Mayor Davis said that the City of Southaven is not asking for everything. Mayor Davis said this development will create many expenses for the City and all they are asking for the County to do is to meet the bond indebtedness pledge.

Supervisor John Caldwell said if the County=s participation was the straw that broke the camel=s back and the Board decided to approve the Tax Increment Financing, would it be worth raising taxes. Supervisor Caldwell said that this will no doubt lead to many other requests from other cities in the County. Mayor Greg Davis responded if those cities can come to you with \$6 million on the table then he would suggest granting those as well.

Supervisor Eugene Thach made the motion to take the matter under advisement in anticipation of a vote on April 28, 1998. Supervisor John Caldwell seconded the motion. The motion passed by unanimous vote.

After the motion, Mayor Greg Davis asked that if a TIF takes place, would be contingent on the money from the State. Supervisor John Caldwell responded that it would probably be contingent on the money from the State and Southaven participation with the road to the Civic Center.

17. Approval of Emergency Watershed Documents for Dean, College & Brights Roads

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to approve the agreement between DeSoto County and The Natural Resources Conservation Service, formally The Soil Conservation Service, for emergency water shed improvements at Dean Road, College Road and Brights Road as approved by the Board of Supervisors at the September 15, 1997 meeting with the County's portion totaling \$73,750. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

The County Administrator Clovis Reed explained that it is undetermined whether this money will come from the FY 98 budget or the FY 99 budget.

18. Approval of Invoice For Allen & Hoshall - Administration Building

Superviser Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the invoice from Allen & Hoshall for work on the Administration Building totalling \$58,172.50. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

19. Appraisals on Church Road

The County Administrator Clovis Reed said that as approved by the Board of Supervisors on March 23, 1998 he directed his office to send out request for proposals for appraisals on Church Road. Mr. Reed said that 2 proposals have come back for the same amount. This item was held over to allow the County Administrator to negotiate with the bids received.
See Exhibit H.19.

20. Authorization of Gary Smith to Maintain Custody of Confidential Funds

At the request of Sheriff James Albert Riley, Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to rescind the order authorizing Kenny Laughter to maintain custody of Confidential Funds for the DeSoto County Metro Narcotics Unit and appoint Gary Smith to maintain custody of the Confidential Funds for the DeSoto County Metro Narcotics Unit. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

See Exhibit H.20

21. Comprehensive Plan

The County Administrator Clovis Reed reported that the topic of the Comprehensive Plan came up at the DeSoto County Council of Governments meeting. Supervisor Tommy Lewis reported discussion at the Council of Governments that the 4 cities and County could share the cost of an update to the Comprehensive Plan possibly under the same terms that the original plan was executed. The County Administrator Clovis Reed explained the division of the previous plans payment between the County and cities. Supervisor John Caldwell asked for a report of discussion of business at the DeSoto Council meeting. Supervisor Tommy Lewis responded that everyone at the meeting indicated a need for update to the Comprehensive Plan.
The Board of Supervisors discussed the benefits of going out for proposals or renegotiating with Bridge and Associates. Supervisor John Caldwell said that if you don't go out for proposals you don't have anything to compare Bridge and Associates price with. Supervisor Tommy Lewis said that we need to make sure that before we go out with an RFP that the cities interest are

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addressed so the cities money can address their needs.

The Board of Supervisors asked the County Administrator to find out what the cities want in regards to updating the Comprehensive Plan. Supervisor John Caldwell made a motion to request proposals for an update to the Comprehensive Plan. No second was obtained on this issue and after discussion the Board of Supervisors decided to hold this matter over to allow the County Administrator to discuss the issue with the cities.
See Exhibit H.21.

The Executive Session portion of these minutes are presented under the portion of the minutes called “Executive Session.”

1. Homesteads

- a. The Chancery Clerk, W. E. "Sluggo" Davis presented a list of Homesteads denied by the State

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Tax Commission in which the County will place an objection as these people have submitted proof of their homestead rights. Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approve the objection to Homesteads as requested by the Chancery Clerk. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

See Exhibit J.1.a

b. At the recommendation of the Chancery Clerk, W. E. ASluggo@ Davis, Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to accept the denials of the State Tax Commission for Homestead Exemptions. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

c. At the request of the Chancery Clerk, W. E. ASluggo@ Davis, Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the Homesteads as presented by the Chancery Clerk, W. E. ASluggo@ Davis. The motion passed by vote as follows:

Jessie Medlin-----Yes
Eugene C. Thach-----Yes
James D. Pearson-----Absent
John Caldwell-----Yes
Tommy Lewis-----Yes

Energy Management System

Nick Walters of Johnson Controls appeared before the Board of Supervisors to acknowledge an energy Management Program designed to let the energy controls be managed by an outside company. Mr. Walters explained that under the program there is a potential energy savings to equal or exceed what will be spent on the energy saving program, not including operational costs. Mr. Walters said that he is trying to get a good feel of the County’s interest in this issue in terms of whether it would be a worthwhile project for the County. Mr. Walters said that if the Board of Supervisors does not see the value of doing a project like this then it would be better not persue the project.

Mr. Walters said that Adams County has saved over a million dollars with the work Johnson Controls has done for energy management there. Mr. Walters said that Adams County is getting all of their energy management systems self-funded.

Supervisor Eugene Thach asked how much the system cost. Nick Walters responded that this is not a proposal that is being presented to the Board. Mr. Walters said that this program is available and Johnson Controls would like to know if you want to put it into use in DeSoto County. Mr. Walters said that Johnson Controls does not invest the money in a proposal unless they know the County has a sincere interest in the project. He explained that the County is not out any money as Johnson Controls

guarantees the County will not lose money.

Supervisor Eugene Thach said we don't know how much we will have to spend to achieve the savings. Nick Walters said that is correct. Mr. Walters said that unlike Adams County, the County may choose not to put any extra money into the program other than the amount saved. Mr. Walters said that the program will be totally self-funded. Mr. Walters said that the Board does not have to make that determination now.

The Board of Supervisors discussed the County's Energy Management needs.

Nick Walters said that Johnson Controls will not promise the County anything that they can't put their money behind. Mr. Walters said that the County is not any money until Johnson Controls meets the final contract.

Supervisor John Caldwell asked the County Administrator if he can make this work. The County Administrator Clovis Reed said yes under the terms of the contract if the contract does not pay for the ungrades, then Johnson Controls will pitch in the difference. Supervisor John Caldwell clarified that this will not cost the County anything. The County Administrator said that was correct.

Supervisor John Caldwell asked if the Board authorized bids for this service next week and the Administration Building was built next year, how would the building that is in the process of being constructed be affected by the bids to be included in the program. Nick Walters said that if the Board of Supervisors chooses Johnson Controls to do the work at the Boards request Johnson controls will work with the Contractors that are already involved in the Administration Building. However Mr. Walters warned that if the contractors had not included energy efficient equipment in the project it may be recommended to change to energy efficient equipment by whoever gets the contract. Supervisor John Caldwell clarified that such a change would constitute a change order. Nick Walters said that energy efficient equipment is more expensive but the payback is worth it.

Supervisor Tommy Lewis asked if the Board of Supervisors need to go out for an RFP. Nick Walters said yes.

Supervisor John Caldwell made the motion and Supervisor Jake Pearson seconded the motion to go out for requests for proposals for energy efficient management to determine whether the County wants to participate. The motion passed by unanimous vote. See Exhibit

State Aid Engineering Fee Increase

The County Engineer Daniel Murphy notified the Board of Supervisors that State Aid has raised engineering fees for State Aid projects for the first time in several years.

Supervisor Jake Pearson made the motion and Supervisor Jessie Medlin seconded the motion to approve the engineering fee increase on State Aid projects from 11% to 12%. The motion passed by unanimous vote.

Final Change Order for 1997 Asphalt Contract

The County Engineer Daniel Murphy appeared before the Board of Supervisors and notified

the Board that the 1997 Asphalt Contract is complete and there is a contract overrun of \$224,300.89.

Supervisor Jake Pearson asked where the extra asphalt went. Daniel Murphy responded that much of the overrun was on Getwell Road. Supervisor Eugene Thach asked the County Engineer if Getwell cost \$200,000. Mr. Murphy answered that Getwell did not cost the entire amount of the change order but was one of the reasons for the 7.5% overrun in the 1997 contract.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the change order for the 1997 Asphalt Contract in the amount of \$224,300.89 as recommended by the County Engineer Daniel Murphy. The motion passed by a unanimous vote.

Authorization to Advertise for Building Inspector

Merritt Powell of the DeSoto County Planning Commission appeared before the Board of Supervisors to notify the Board that the Planning Commission is losing a Building Inspector to the City of Southaven and requested approval to advertise for a replacement. Mr. Powell indicated that the salary paid to the Building Inspectors by the County was one reason this inspector is leaving.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to authorize advertisement for a replacement for a Building Inspector in the DeSoto County Planning Commission. The motion passed by a unanimous vote.

Cleaning of Property – L.V. Mabry

a. Merritt Powell of the DeSoto County Planning Commission appeared before the Board of Supervisors and notified the Board that L.V. Mabry has not complied with County Ordinances concerning the cleaning of his property. Mr. Powell notified the Board that they will be going to court about the matter in May as Desoto County and L.V. Mabry could not make a settlement on the issue.

Junk Yard on Highway 51

At the recommendation of Merritt Powell of the DeSoto County Planning Commission, Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to hire the Board Attorney, Bill Austin to go to court in an effort to make the junkyard on Highway 51 conform to County codes. The motion passed by unanimous vote.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to recess until April 28, 1998 at 9:00 a.m. Supervisor and Board President Tommy Lewis encouraged everyone to see if they can be more well informed about what we want to do on the TIF=s and rid the Board of these two issues at the next meeting.

THIS the 20th day of April, 1998, these minutes have been read and approved by the DeSoto County Board of Supervisors.

TOMMY LEWIS, President
DeSoto County Board of Supervisors